IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 2641/2006

RAJENDRA SINGH Vs. STATE OF RAJASTHAN & ORS.

DATE: 18.07.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Vijay Singh for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

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The petitioner retired as Senior Supervisor on 31.07.95 after attaining the age of superannuation. A recovery order was passed against the petitioner to the tune of Rs. 59,032/-. Being aggrieved and dissatisfied with the aforesaid recovery order, the petitioner had preferred a writ petition before this Court which was registered as S.B. Civil Writ Petition No. 2781/96 and the same was decided vide order dated 18.09.1998 by which the writ petition was partly allowed and the respondents were restrained from making any recovery to the tune of Rs. 59,032/- from the gratuity as well as commuted pension of the petitioner and further the respondents were directed to make the payment of the above amount to the petitioner within 30 days.

The said order of the learned Single Judge dated 18.09.98 was assailed by the respondent State before the Division Bench of this Court which was registered as D.B. Civil Special Appeal No. 183/99 and the same was dismissed by the Division Bench vide its judgment dated 02.08.2001 upholding the order of the learned Single Judge dated 18.09.98.

Despite the order passed by the learned Single Judge dated 18.09.98 and the judgment of the Division Bench of this Court dated 02.08.2001, although the recovery amount to the tune of Rs. 59,032/- has already been paid back to the petitioner, but the revised Pension Pay Order has not been issued, therefore, after serving notice for demand of justice, the present writ petition has been preferred by the petitioner praying that the respondents be directed to issue revised Pension Pay Order and arrears be also paid to the petitioner.

Having heard rival submissions of the respective parties and in view of the judgment rendered by this Court in the earlier writ petition filed by the petitioner i.e. S.B. Civil Writ Petition No. 2781/96 dated 18.09.98 and the judgment of the Division Bench of this Court dated 02.08.2001, pursuant to that, refund of the amount recovered has been made to the

petitioner and now the only relief which has not been extended in favour of the petitioner is issuing a revised Pension Pay Order and the arrears have also not been paid so far, I deem it proper to allow the writ petition.

Consequently, the present writ petition stands allowed. The respondents are directed to issue a revised Pension Pay Order within a period of three months from the date of receipt of certified copy of this order and also make the payment of arrears in view of the revised Pension Pay Order and in case the respondents failed to undertake the aforesaid exercise within a period of three months as stated above, they are required to make the payment of the arrears with interest @ 6% p.a.

(K.S. RATHORE),J.

/KKC/